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BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, D.C.

In the matter of

Security Considerations for the  
Flightdeck on Foreign Operated  
Transport Category Airplanes

Final Rule; request for comments

Docket No. FAA-2002-12504 - 3

COMMENTS OF  
MK AIRLINES, LIMITED

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Counsel for  
MK AIRLINES, LIMITED

Dated: August 20, 2002

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COMMENTS OF  
MK AIRLINES, LIMITED

MK Airlines, Limited ("MK"), a foreign air carrier of the Republic of Ghana holding operations specifications under FAR Part 129, hereby submits its comments on the above-referenced Final Rule and request for comments, published June 21, 2002 (67 Fed. Reg. 42450, *et seq.*). MK is an all-cargo carrier, operating a fleet of DC-8 and B-747 cargo aircraft. It operates frequent service between the United States and points in Europe, the Caribbean, South America and the Far East. Thus, most of its aircraft will be affected by the rule.

MK is acutely aware of the grave security risk that the rule is intended to address. It submits, however, that the purpose of the rule can be better served, and less economic harm done to the worldwide aviation industry, if the FAA focuses more specifically on those carriers posing a significant risk, and applies the rule with flexibility in light of what carriers can feasibly accomplish.

**All-cargo carriers can address security concerns through other methods.**

Of all the various types of air carriers serving the United States, all-cargo airlines – particularly those that, like MK, operate on a charter basis – pose the least risk of having their aircraft used as weapons by terrorists. Unlike passenger carriers, they do not admit the public to their aircraft; the only persons allowed on the aircraft are employees or other known persons, such as cargo attendants from known shippers or animal handlers for livestock shipments. Because of the very limited number of such persons, they and their baggage can be screened with more assurance of security than could be the case with passenger airlines. Indeed, MK routinely provides more stringent baggage screening for persons traveling aboard the aircraft than is currently possible for passenger carriers.

Moreover, because MK operates on a charter basis, it does not publish schedules for its services. Thus, persons intending to use the carrier's aircraft for terrorist purposes would have great difficulty knowing in advance when and where an aircraft would be operated. There are many other aircraft operating on a scheduled basis that would be much more suitable as terrorist targets.

These factors combine to make it much more difficult for an intended hijacker to gain access to the aircraft and to bring with him any items that could be used as weapons. The level of security, therefore – even without the reinforced cockpit door – is already superior to most passenger carriers. Requiring installation of very expensive cockpit doors, with the added expense of downtime for installation, is unnecessary in order to provide a high degree of security for these carriers.

**If all-cargo carriers are to be required to retrofit cockpit doors, the deadline for them should be extended to ensure timely compliance for passenger aircraft.**

As was clearly evidenced in the public meeting held on July 30, 2002 concerning this rule, foreign air carriers in general are very dubious that it will be physically possible for them to get all 1,921 affected aircraft modified in time to meet the rule's April 9, 2003 deadline – especially in light of the need to retrofit approximately 7,000 U.S. aircraft by the same deadline. (Estimates are the FAA's.) As far as MK has been able to learn, no manufacturer has yet received certification for door retrofits, and there is no indication how long it will take before certification is granted. Given the large variety of different products that will have to be certificated, the significant lead time required before any of these devices can be commercially produced, the numbers that will be required to be manufactured, and the limited facilities available for installation, the likelihood that all affected aircraft will be retrofitted in time for the deadline approaches impossibility.

Putting foreign all-cargo carriers on the same timetable as the more risk-prone U.S. passenger carriers may actually compromise security; it may result in some passenger aircraft being delayed in favor of freighter aircraft for which, as asserted above, the flightdeck door retrofit accomplishes very little, if any, increase in real security. The FAA could simply ground all of these non-compliant aircraft (which would work enormous hardship), or grant exemptions to those that have been unable to obtain their retrofits. The result, in either event, would be less than satisfactory.

There should be a clear prioritization of the compliance schedule to ensure that the more vulnerable aircraft receive treatment first, recognizing the improbability that all affected aircraft will be able to meet the April 9 deadline. The best way to accomplish this, apart from using other means to enhance security for foreign all-cargo carriers, is to require a later deadline for these aircraft – preferably the ICAO-established deadline in November 2003.

Respectfully submitted,



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